S.B. Civil Misc. Appeal No.715/2005

Kailash Agarwal. vs. Magnaram and others.

Date : 25.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Dinesh Mehta, for the appellant.
Mr. MC Bhoot, for the respondent no.1/caveator.

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Heard.

Learned counsel for the respondent no.1 submits that looking to the nature of the suit, the suit can be decided by the trial court within no time and that it can be decided within a period of two months only.

By the order under challenge dated 8.7.2005, both the parties' interests are not going to be affected as the court below has not directed to award the agency even to the plaintiff/respondent no.1, therefore, it will be just and appropriate to direct the trial court to decide the suit expeditiously.

Looking to the nature of the suit and the points involved, it will be just and proper to direct the trial court to decide the suit expeditiously within a period of three months from the date of receipt of certified copy of this order and both the parties as well as Indian Oil Corporation and Selection Committee for Indian Oil Corporation are also directed to cooperate the trial court

for deciding the suit.

However, it is made clear that because of the non-cooperation of the plaintiff/respondent no.1 and the Indian Oil Corporation and its Selection Committee, if the suit will not be decided within a period of three months, the appellant shall have liberty to seek appropriate relief of vacation of the impugned order by moving appropriate application under Order 39 Rule 4 CPC.

With the aforesaid observations, the appeal is presently disposed of.

(PRAKASH TATIA), J.

S.Phophaliya